

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 SAIDAH COAXUM, )  
09 Plaintiff, ) CASE NO. C10-1815-MAT  
10 v. ) ORDER RE: MOTION TO FILE  
11 STATE OF WASHINGTON, et al., ) OVERLENGTH BRIEF AND MOTION  
12 Defendants. ) TO STRIKE

14 Defendants filed a motion for leave to file an over-length brief (Dkt. 39) and a motion to  
15 strike portions of plaintiff's amended complaint (Dkt. 37). Plaintiff did not respond to either  
16 motion. Having considered the motions, along with the remainder of the record, the Court  
17 finds and concludes as follows:

18 (1) The Court finds defendants' request to file a summary judgment motion  
19 exceeding the page limit in Local Rule 7(e)(3) by six additional pages reasonable.<sup>1</sup>  
20 Defendants' motion to file an over-length brief (Dkt. 39) is, accordingly, GRANTED.

<sup>22</sup> The summary judgment motion subsequently filed by defendants, in fact, only exceeded the applicable page limit by four pages. (Dkts. 41 & 49.)

01                   (2) Defendants also seek to strike portions of plaintiff's amended complaint  
02 pursuant to Federal Rule of Civil Procedure 12(f) ("The Court may strike from a pleading an  
03 insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.").  
04 Defendants specifically ask that the Court strike allegations in plaintiff's amended complaint  
05 relating to the alleged bias of various administrative law judges, and their training and  
06 supervision, and allegations related to the conduct of the revocation hearing. (*See* Dkt. 36 at 8,  
07 ¶¶ 4.5-4.10.) Defendants note that the Court limited its order granting plaintiff's motion to  
08 amend only to the inclusion of a new allegation regarding a nursing assistant education and  
09 certification, and denied plaintiff's request to add two Office of Administrative Hearing (OAH)  
10 supervisors as defendants. (Dkt. 35.) Defendants aver that the allegations related to training,  
11 bias, and supervision of OAH employees by the individuals plaintiff sought to add as  
12 defendants and the conduct of the OAH hearing, although not specifically addressed in the  
13 Court's order, are much more closely aligned with the Court's denial of the amendment, than  
14 with the granting of the amendment.

15                  The Court construes plaintiff's failure to respond to defendants' motion as an admission  
16 that the motion has merit. Local CR 7(b)(2). The Court further finds, having considered the  
17 motion, as well as the balance of the record in this matter, that defendants' motion should be  
18 granted. Plaintiff limited her motion requesting amendment of the complaint to the following:  
19 (1) the inclusion of an allegation regarding her nursing assistant education and certification; and  
20 (2) the inclusion of two OAH supervisors as defendants. (Dkt. 30 at 1-2.) In granting the  
21 motion, the Court found only that plaintiff could "submit a revised amended complaint  
22 containing the new allegation as to a nursing assistant education and certification." (Dkt. 35 at

01 4.) While the Court did not directly address the allegations at issue in the current motion,  
02 defendants persuasively argue that those allegations appear directly tied to plaintiff's failed  
03 attempt to include two OAH supervisors as defendants. (*See* Dkt. 36 at 8, ¶¶ 4.5-4.10.)  
04 Moreover, had plaintiff intended to apply the allegations beyond the OAH supervisors, she  
05 should have addressed such amendment in her motion to amend. *See* Fed. R. Civ. P. 15(a)(2)  
06 (allowing leave to amend, without the opposing party's consent, only by "the court's leave.")  
07 For all of these reasons, the Court hereby GRANTS defendants' motion to strike paragraphs 4.5  
08 through 4.10 in plaintiff's amended complaint.

09 (3) The Clerk is directed to send a copy of this Order to the parties.

10 DATED this 2nd day of February, 2012.

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13 Mary Alice Theiler  
14 United States Magistrate Judge  
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